

to be virtually empty, with no evidence of weapons of mass destruction. How hard a stretch of the imagination is it to think Saddam Hussein, facing an invasion of forces from America and Great Britain, was very cautiously packing into vans all of the weapons of mass destruction and spiriting them out of his country? I don't think that stands to reason.

That is almost as hard to follow as the President's logic yesterday which said that the terrorism and carnage going on in Iraq today is proof positive of the progress we are making. The progress?

Frankly, these sad reports from Iraq evidence the fact that we have not established order in that country to a level where we can assure the people of Iraq, or our troops for that matter, that they are going to be in a safe situation. I have not called for us to cut and run. I do not know many who have. We have to stay the course. We are now there.

As it has been said, when you go into a gift shop, the sign says "If you break it, you own it." We went into Iraq and took control of that situation. Now we are responsible for creating a stable and secure environment, and it will be a great cost over a lengthy period of time.

Just last week, I joined with my colleagues visiting Walter Reed Hospital to meet with some of the wounded soldiers.

I say to those who are stunned to hear each day that we have lost a soldier, or two or three soldiers, not to take lightly those who are wounded. Many of the wounds of these soldiers are grievous. I met one soldier from Ohio who lost the sight in one eye and another soldier from Illinois who had been the victim of a mortar round and is going to struggle to ever walk again. I think he will, but it will be a tremendous struggle and a lot of rehabilitation. To say we have only lost one, two, or three soldiers a day—please look at this in the context of the lives lost and the lives that are seriously injured and diminished by the injuries that are suffered there.

We have to stay the course. Frankly, I find it unfathomable that this conference committee of appropriations yesterday refused to stand behind 23,000 Federal employees who have been activated in Guard and Reserve units, refused to say we will stand with their families and make certain they don't go through economic hardship during the activation period when they are risking their lives for America. Unfortunately, this conference committee walked away from those soldiers yesterday. That is shameful, and it is something we never should have done. I urge my colleagues to think long and hard about this partisan rollcall, which, frankly, reversed a 96-to-3 vote of just a few weeks ago.

I will close by saying it is unfortunate we cannot finish the Foreign Operations appropriations bill today. It is

my understanding that the DeWine-Durbin amendment for \$289 million for the global AIDS epidemic, which we believe has a sufficient number of votes on the Senate floor to pass, has been threatened by one Republican Senator from Oklahoma who has said he will filibuster the bill and stop the bill on the Senate floor.

We are coming to the close of this session and we need to pass appropriations bills. Threatened filibusters from either side—particularly from the majority side—are not appropriate at this time. I hope that Senator will reconsider.

I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2800, the foreign operations appropriations bill, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

DeWine amendment No. 1966, to increase assistance to combat HIV/AIDS.

McConnell amendment No. 1970, to express the sense of the Senate on Burma.

Feinstein amendment No. 1977, to clarify the definition of HIV/AIDS prevention for purposes of providing funds for therapeutic medical care.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota is recognized to offer an amendment.

#### AMENDMENT NO. 2000

Mr. DORGAN. Mr. President, I call up amendment No. 2000.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 2000.

Mr. DORGAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To urge the President to release information regarding sources of foreign support for the 9-11 hijackers)

At the appropriate place, insert the following:

SEC. Sense of the Senate on declassifying portions of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001.

(a) FINDINGS.—The Senate finds that—

(1) The President has prevented the release to the American public of 28 pages of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001.

(2) The contents of the redacted pages discuss sources of foreign support for some of the September 11th hijackers while they were in the United States.

(3) The Administration's decision to classify this information prevents the American people from having access to information about the involvement of certain foreign governments in the terrorist attacks of September 2001.

(4) The Kingdom of Saudi Arabia has requested that the President release the 28 pages.

(5) The Senate respects the need to keep information regarding intelligence sources and methods classified, but the Senate also recognizes that such purposes can be accomplished through careful selective redaction of specific words and passages, rather than effacing the section's contents entirely.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that in light of these findings the President should declassify the 28-page section of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 2001 that deals with foreign sources of support for the 9-11 hijackers, and that only those portions of the report that would directly compromise ongoing investigations or reveal intelligence sources and methods should remain classified.

This section shall take effect one day after the date of this bill's enactment.

Mr. DORGAN. Mr. President, this is an amendment that I also offered yesterday. I was not able to get a vote on it yesterday because of a ruling that it was nongermane. I have filed a notice that I intend to move to suspend Rule XVI of the Standing Rules of the Senate. I will do that at the end of my presentation. That will give us a vote on this important issue today. Let me describe why I think a vote is necessary and what this issue is.

This issue deals with 9/11, the day on which our country was attacked and thousands of Americans were murdered by terrorists, many of whom came into this country and lived among us and plotted an attack against the World Trade Center; they plotted an attack against the Pentagon and perhaps the U.S. Capitol. They hijacked commercial airliners and used commercial airliners, full of both passengers and fuel, as flying bombs and missiles.

No one in this country will forget the devastation, the loss of life, and the horror of the terrorist attacks committed against the United States on September 11.

We know a fair amount about September 11: who organized it and how it was organized. We know Osama bin Laden has taken credit for it. We know it was planned by Osama bin Laden and a terrorist group called al-Qaida, and they were supported by the Taliban government in Afghanistan. We know a fair amount about the details of that day and the activities of the hijackers. There has been a great deal of discussion about how did it happen—how did it happen that these coordinated attacks by terrorists occurred in this

country without our intelligence community knowing it was going to happen and taking action to prevent it.

As we know as well, from testimony before the Congress and from other information, we had some warnings. The FBI had some warnings. In fact, one FBI agent wrote a memorandum inside the FBI saying he worried about certain people of certain nationalities taking flying lessons, potentially for the purpose of using an airplane for hijacking and as a tool of a terrorist attack. We had other evidence that existed in our intelligence community from both the FBI and CIA.

So there has been a great deal of discussion about how do we find out what we knew, what the agencies knew, what we could have done to prevent these attacks, and what we now know about those who committed the attacks and how to prevent future attacks. That is all very important.

There are a couple of efforts underway. One was an effort before the Congressional Joint Intelligence Committee. They did an inquiry into intelligence community activities before and after the terrorist attacks of September 2001. That inquiry was done and finished with a report that was released this past summer. The report was authorized for release by the Bush administration. It took 9 months to write, 7 months to declassify, and when it was released, we discovered there are 28 pages of that report that are redacted; 28 pages of the report have been classified, so that the American people cannot know what is in that report.

The question is, Why? On behalf of the victims, the victims' families, the American people, I ask, Why would 28 pages of that report be classified and unavailable to be seen by the American people? We are told it contains information about other governments, or another government and its activity with respect to some of these issues. We are told by some that there were areas of support by another government, or governments, for the terrorists themselves as they began to work and put together the resources and plan these attacks against the United States. If that is the case, the question is, Which governments? Who was involved? How were they involved? Are those governments still involved in supporting terrorists who would strike at the heart of this country and kill innocent Americans?

Why do we not have the right to know if governments supported some of the terrorists who were working and planning and gathering the resources to attack this country? If another government provided any support for that, do we not have a right as an American people to know that? Why has that information been classified?

Mr. LEAHY. Will the Senator yield for a question?

Mr. DORGAN. I am happy to yield.

Mr. LEAHY. The Senator from North Dakota makes eminent good sense in what he is saying. I recall at the time

this report came out—and we all remember the blacked-out pages—the country of Saudi Arabia sent over emissaries to say—and I don't know how serious they were about this—would you release this.

My question to the Senator is: Insofar as the majority of hijackers at the time of September 11 were from Saudi Arabia, and insofar as we know from press accounts—not classified material but press accounts—that a lot of funding of al-Qaida came from Saudi Arabia and may still be coming from Saudi Arabia, don't you think it would be helpful to know if Saudi Arabia is mentioned in this blacked-out part and to what extent, considering the fact that they apparently have turned a blind eye to some of the terrorists who are striking at the United States?

Mr. DORGAN. Well, Mr. President, the Senator from Vermont is absolutely correct. The American people ought to have a right to know if a foreign government was involved in helping provide resources for and planning for attacks against this country. We have a right to know that.

The amendment I am offering is a sense-of-the-Senate amendment that says to the President: Declassify this material. What is so sensitive that the American people can't know whether a foreign government was involved in the planning and providing the resources for a terrorist attack against this country?

Let me tell you what the chairman and the ranking member—a Republican and a Democrat—of the Intelligence Committee said on this issue when these 28 pages were withheld from the American people. Senator SHELBY, the ranking member then on the Intelligence Committee, a Republican, said:

I went back and read every one of those pages thoroughly. My judgment is that 95 percent of that information could be declassified and become uncensored so the American people would know.

Asked why this section was blacked out, Senator SHELBY said:

I think it might be embarrassing to international relations.

Senator GRAHAM said:

During the negotiation that was held with the administration prior to the release of the documents, we had submitted a counteroffer indicating what we thought were legitimate areas of national security with the rest of the section dealing with foreign governments to be released to the public. The counteroffer was not accepted. The administration took the position that the totality of this section dealing with the role of foreign governments should remain censored and beyond the view of the American people.

Question of Senator GRAHAM:

Can you give us some idea of how big the counteroffer was?

Senator GRAHAM said:

It was in the range, which Senator SHELBY indicated he thought it was, of 28 pages that represented genuine national security interests which was 95 percent open and 5 percent continued classified.

I am not trying to embarrass anybody with this amendment. I just feel

strongly that when the 9/11 commission—that is the inquiry by our Intelligence Committee—was completed and the effort was released, to have 28 pages censored or classified and to be told the American people can't see it leads me to ask the question, Why? Why? If there was another government—and all the indications are there was another government—involved in providing support for the terrorists who attacked this country, the American people have a right to know it. They have a right to know who it was, what were the circumstances, why, how do they justify that.

The Saudi Government has asked that this information be declassified and released. The Saudi Government has asked that. Most of the speculation, of course, is the questions about Saudi support of terrorism, as my colleague from Vermont just described. But the Saudi Government has asked this be declassified so they can respond to it in public.

There is no basis, no good reason for this to remain censored and classified. My sense-of-the-Senate amendment asks the President to declassify that portion of the 28 pages. As Senator SHELBY and Senator GRAHAM have described, 95 percent of it does not deal with national security or our national security interests, and would not compromise our interests.

Senator SCHUMER is a cosponsor of this amendment, and Senator LIEBERMAN is a cosponsor as well.

My hope is we will certainly have a vote on this amendment this morning. My amendment will require a vote under suspension of the rules.

I reserve the remainder of my time, Mr. President.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I am not a member of the Intelligence Committee. I lead off by saying this has absolutely nothing whatsoever to do with the Foreign Operations appropriations bill. We should not be having this debate at this time.

With regard to the issue, there are those on the Intelligence Committee who can speak to it with much more knowledge than I. I am hopeful some of them will come over in the course of this debate. Let me make the point the war on terrorism is an ongoing operation. The decision to classify this material was reached between the intelligence authorizing committees and the executive branch.

Declassifying the information should be carefully considered. For example, would it place in jeopardy the lives of U.S. men and women fighting the war on terrorism? Declassifying material without careful consideration could also have a chilling effect on the sources of information in the war on terrorism, including individuals and foreign governments. It is conceivable

both individuals and foreign governments would be afraid their participation and cooperation in the war on terrorism would become public.

The main point I wish to make is there may be a time and place for this debate, but it is not on this bill. I hope once the debate is concluded we will make a decision not to proceed down this path at this time on this measure.

I retain the remainder of my time.

Mr. DORGAN. Mr. President, how much time remains?

The PRESIDING OFFICER. Nine minutes 31 seconds.

Mr. DORGAN. Mr. President, I say to my colleague from Kentucky, there is, in fact, an ongoing war on terrorism, and it is critically important for this country, it is important that we be successful in preventing terrorist attacks against this country. It is important we be successful in hunting down those in the world who are planning terrorist attacks against this country and destroying their network of support. But with respect to the ongoing war against terrorism, it is critically important, in my judgment, for this country to know, Are there foreign governments that have supported terrorists? Are there foreign governments that have given active financial support to those who attacked this country on September 11, 2001? If so, who are they? How would it compromise any interest of this country or, for that matter, any other country under any other circumstances to disclose a discussion in the inquiry that was done, a painstaking inquiry that was done about another government that provided support to terrorists that murdered thousands of Americans. The American people have a right to know that information.

I know the easiest way to withhold information is to always claim there is some important sensitive information that would compromise some intelligence operation. The people in the best position to know that would be the chairman and the ranking member of the committee who did the inquiry, Senator GRAHAM and Senator SHELBY, a Democrat and a Republican. Both of them have already made a judgment about this. They said: Nonsense, this won't compromise anything. Ninety-five percent, they said, of these 28 pages of censored, redacted material could and should be made available to the American public without compromising anything.

If one is wondering whether this compromises anything, I say go to the experts, go to the authorizing committee, go to the Republican and Democrat who were chairman and vice chairman of the committee and ask them and they will tell you they did not support redacting this material, censoring this material, and classifying this material. It came from the White House. It wasn't fair to the American people to do that.

If there is another government that provided active support—financial sup-

port and comfort and assistance—to those who decided to commit acts of terror against this country and murder thousands of innocent Americans, then, in my judgment, by God, the American people have a right to know that. The American people have a right to know that, and classifying 28 pages that describe the circumstances in which another government may well have provided support to terrorists attacking this country is wrongheaded, in my judgment.

If, in fact, this inquiry describes that, another important question exists: Is the country that provided support—financial assistance and comfort and aid—to the terrorists who attacked this country in 2001 still providing support and aid? Do they still have adjuncts in that society, in that government, that provide support and comfort to terrorists? We have a right to know that as well.

In my judgment, withholding information from the American people is, in most cases, a bad decision. If it is necessary because it would compromise something that is important with respect to the intelligence community, I understand that. But the two experts would be the chairman and the vice chairman of the committee who decided to launch the inquiry. And those two Senators, Senator SHELBY and Senator GRAHAM, have already spoken on this issue.

They have said 95 percent of that information ought to be made available.

I will make one additional point. Talk to the families of the people who were murdered on 9/11 and ask them, if a foreign government was involved in supporting acts of terror against this country, whether they think that information ought to be made available to the American people or ought to be censored, classified, and out of the reach of the American people.

They will say we ought to disinfect this whole area by deciding to give everybody as much information as possible about what happened on 9/11, not by closing the books and pulling the veil and deciding whether to keep information from the American people. As I indicated, even the Saudi Government that has been so much the subject of this speculation wants this information made available, and it ought to be made available.

My sense of the Senate is very simple. It says to the President: Declassify this. Now, I also understand that this is a foreign operations bill. It is an appropriations bill. There is no good time to have a sense-of-the-Senate resolution come to the Senate floor, I suppose, if one does not support declassifying this information. But this amendment does not interrupt the foreign operations bill. I support that bill. I am happy to work with the chairman and ranking member who, I think, have done a remarkable job on that bill.

It seems to me we have a right to have a vote in the Senate about whether this information ought to be made

available to the American people, whether it ought to be declassified, uncensored, and the question answered: Is there another government or governments that participated with the terrorists by providing aid, comfort, and financial support to terrorists who committed acts of terror against this country?

That is information, in my judgment, the American people deserve to have.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Kentucky.

Mr. MCCONNELL. I ask unanimous consent that the time running without debate be charged equally to both sides.

Mr. DORGAN. Mr. President, reserving the right to object, how much time remains on each side?

The PRESIDING OFFICER. There is 3 minutes 58 seconds, and 18 minutes 17 seconds for the majority.

Mr. DORGAN. Mr. President, I have a few additional comments at some point. If the Senator from Kentucky has other speakers—I had expected a couple of other speakers. I do not know whether that will occur before the end of the time. I believe we have 40 minutes, 20 minutes equally divided.

Mr. MCCONNELL. I say to my friend from North Dakota, I had expected some speakers as well. So I think we have the same dilemma. I just do not want to delay the vote, and I assume the Senator from North Dakota would rather not delay it as well.

Mr. DORGAN. I do not intend to delay the vote. It is fine to have a quorum call and have it equally divided, but let me ask the courtesy of the Senator that if we get to the point where we have 6 or 8 minutes remaining, that I would have the opportunity for a couple of those minutes so that we could close and have a debate at the end.

Mr. MCCONNELL. I ask unanimous consent that notwithstanding the other consent just asked for, Senator DORGAN have 2 minutes before the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. How much time remains on this side?

The PRESIDING OFFICER. There is 3 minutes 54 seconds.

Mr. DORGAN. Mr. President, I yield 3 minutes to the Senator from Florida, Mr. GRAHAM.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM of Florida. Mr. President, I ask unanimous consent to be

added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM of Florida. Mr. President, for a year, a joint committee of members of the House and Senate Intelligence Committee carried out their responsibilities to do a comprehensive review of what happened before September 11 as it related to the role of the intelligence community; what happened after September 11, particularly in utilizing the information that was gathered around that tragic event; and then what recommendations for some fundamental change that would enhance the capacity of the intelligence community to reduce the prospect of another 9/11. That report took over 800 pages. It had some 19 recommendations for action.

After the report was completed, it was submitted to the administration—primarily the CIA, the FBI, and the White House—for review as to whether there were any elements of that report that would be categorized as national security and therefore not for general public distribution.

The section of the report that received the greatest degree of such classification, in fact, virtually 100 percent, was the section that related to the role of foreign governments in the events leading up to 9/11, and then how well our responsible agencies had followed the leads and tracked the developments and events before 9/11; after 9/11 for purposes of potential criminal prosecution, for purposes of understanding why we had these gaps; and what the role of foreign governments would be; for the purpose of diplomatic or other policies that might be instituted vis-a-vis countries that were found to have been cooperative or even complicitous in the actions of the 9/11 terrorists, and then finally to form the recommendations of what fundamental change should be made.

The consequences of denying to the American people access to that section of the report are many. No. 1, the American people have been denied the opportunity to know fully what, in fact, happened. No. 2, they have been denied the opportunity to hold accountable those agencies or individuals who were responsible for that inappropriate action by a foreign government. We have been unable to hold the State Department accountable for its action vis-a-vis the foreign governments. Finally, we have taken a substantial amount of the impetus and sense of urgency out of the recommendations for fundamental reform. In fact, the Senate has yet to hold a first hearing on the 19 recommendations that we made.

I think it is of the highest order of concern for the American people that they have access to this information and then they will do with that information what they believe is appropriate. But ignorance and secrecy serves no national purpose. I urge the adoption of this amendment to urge

the President to reevaluate the decision to censure the chapter on the role of foreign governments.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. There remain 11 minutes 50 seconds.

Mr. MCCONNELL. I yield to the distinguished chairman of the Intelligence Committee however many minutes of the 11 that he so desires.

Mr. ROBERTS. Mr. President, I rise in opposition to the Dorgan amendment. I do not think that rule XVI should be waived. The amendment is not germane.

More important, speaking as chairman of the Senate Intelligence Committee, I believe this amendment is unwise. I think it will damage our Nation's efforts in the ongoing war against terrorism.

I, for one, and members of the committee, have read the 28 pages from the Joint Inquiry Report and have been briefed by the FBI and the CIA. As a matter of fact, the distinguished Senator from Florida indicated that we have not even had hearings. That is not correct. We have had hearings. We had hearings in mid-September as to whether or not it would be in our national security interest to release the 28 pages.

I would also say to all Members, if they have a keen interest in this—and I am aware of the legislation, or I am aware of the letter that went to the President signed by a great many Senators asking for the 28 pages to be made public—as I said at the time, please come to the Intelligence Committee and we will provide you the information on the 28 pages. Some of the very people who are sponsoring amendments have not read the 28 pages.

I wish they would do so. It is my firm position—firm position—in order to protect our national security, specifically the methods and the sources and ongoing investigations, that this so-called redacted material should not be released to the public. I think it would endanger lives.

I am not in a position to discuss the specifics in regard to the urgent pleas and the warnings that were provided to us by the FBI during this hearing. But I think I can speak for a majority of the Intelligence Committee who thought this was not a good idea and certainly would be counterproductive to our national interest.

I might add that one of the statements I heard as I entered the floor

was from the distinguished former chairman of the Intelligence Committee. He is somebody I admire, whose advice and counsel and friendship is very important to me. Senator ROCKEFELLER, who is the distinguished vice chairman of the committee, and I have agreed that we will hold hearings in the next session of Congress on the recommendations of the 9/11 Commission. Some I agree with, some I don't.

We were going to make this year the year of modernization and/or reform in regard to the intelligence community, but something interrupted that. It was called a war—the war against global terrorism. In addition, we were going to make an inquiry as to the credibility and the timeliness of the intelligence prior to going to war in Iraq. It is not that we have not wanted to do these things. It is that the schedule of the committee has been taken up almost exclusively by those two subjects, plus our weekly threat briefings of which I know the Senator from Florida is certainly aware.

So we will have hearings on the 9/11 Commission recommendations. We made that promise to the families of the victims. But if we disclose the information that compromises the close cooperation we have from our allies in the war on terrorism, and much better cooperation today than before then these same allies may choose not to support us in the future. That is another concern.

Again, from the standpoint of endangering sources, methods, ongoing investigations, and, yes, lives—and I think I am speaking for a majority of the Intelligence Committee that has had a hearing on this, has taken a hard look at it—I strongly urge my colleagues to oppose this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I want to make sure I don't have a misunderstanding with the Senator from North Dakota. Did he wish to speak right at the end, before the vote, essentially? My understanding is we are ready to yield back the time over here.

Mr. President, I yield the remainder of our time on this side and ask unanimous consent the Senator from North Dakota be given 2 minutes, and at the end that we proceed to a vote on or in relation to the amendment.

The PRESIDING OFFICER. Without objection, the Senator from North Dakota is recognized for 2 minutes.

Mr. DORGAN. Mr. President, I thank the Senator from Kentucky for his courtesy.

Let me say to my colleague on the Intelligence Committee, the chairman of the House Permanent Select Committee on Intelligence, PORTER GOSS; Senator SHELBY of Alabama, the past vice chairman; the past chairman of the Intelligence Committee here in the Senate, Senator GRAHAM—all have indicated that at least some of this redacted classified material should be

made available. But they have taken that position with no success. I would expect the two former chairmen of the committees and the vice chairman would not take that position if they believed it would compromise intelligence sources and methods.

Let me quote, if I might, Bill Harvey, a member of the Family Steering Committee for the 9/11 independent commission. He lost his wife on 9/11. She was killed in the Trade Center. He is pretty critical of both the White House and Congress.

The White House's refusal to produce the 28 pages is just one more example of its manipulation of intelligence for political purposes, but the Congress's reluctance to remedy the situation by declassifying the redacted information is equally troubling. The United States of America deserves to know the true nature of its supposed allies, and the families of the victims of the September 11 attacks deserve to know what our Government new about the terrorists that took their lives.

That is the key. After this commission has completed its work, the inquiry is complete, and we have knowledge and information about whether another government provided financial support and other support to terrorists who attacked this country, do we have a right to know who that government is, which government it is, and whether that government still provides support to terrorists who still would like to commit an act of terrorism against this country and who would like to murder innocent Americans?

The American people have a right to know what is in that redacted portion of the report. If there is 5 percent of it, as Senator SHELBY and Senator GRAHAM have suggested, that ought to be withheld, I understand that. But if the bulk, as they have indicated, ought to be made available to the American people, I believe it ought to be made available now.

The PRESIDING OFFICER. Under the previous order, the Senator from Kentucky is recognized to make a point of order.

Mr. MCCONNELL. Mr. President, I make a point of order that the amendment is not germane under the requirements of rule XVI.

Mr. DORGAN. Mr. President, I move to suspend rule XVI of the standing rules of the Senate during consideration of H.R. 2800 for the consideration of amendment No. 2000.

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to suspend rule XVI of the standing rules of the Senate in relation to amendment No. 2000.

The clerk will call the roll.

The assistant legislative clerk proceeded to called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator

from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 54, as follows:

[Rollcall Vote No. 415 Leg.]

#### YEAS—43

|          |             |             |
|----------|-------------|-------------|
| Akaka    | Dorgan      | McCain      |
| Baucus   | Durbin      | Mikulski    |
| Biden    | Feingold    | Murray      |
| Bingaman | Graham (FL) | Nelson (FL) |
| Boxer    | Harkin      | Nelson (NE) |
| Breaux   | Hollings    | Pryor       |
| Byrd     | Jeffords    | Reed        |
| Cantwell | Johnson     | Reid        |
| Carper   | Kennedy     | Sarbanes    |
| Clinton  | Kohl        | Schumer     |
| Conrad   | Landrieu    | Specter     |
| Corzine  | Lautenberg  | Stabenow    |
| Daschle  | Leahy       | Wyden       |
| Dayton   | Levin       |             |
| Dodd     | Lincoln     |             |

#### NAYS—54

|           |             |             |
|-----------|-------------|-------------|
| Alexander | DeWine      | Lugar       |
| Allard    | Dole        | McConnell   |
| Allen     | Domenici    | Miller      |
| Bayh      | Ensign      | Murkowski   |
| Bennett   | Enzi        | Nickles     |
| Bond      | Feinstein   | Roberts     |
| Brownback | Fitzgerald  | Rockefeller |
| Bunning   | Frist       | Santorum    |
| Burns     | Graham (SC) | Sessions    |
| Campbell  | Grassley    | Shelby      |
| Chafee    | Gregg       | Smith       |
| Chambliss | Hagel       | Snowe       |
| Cochran   | Hatch       | Stevens     |
| Coleman   | Hutchison   | Sununu      |
| Collins   | Inhofe      | Talent      |
| Cornyn    | Inouye      | Thomas      |
| Craig     | Kyl         | Voinovich   |
| Crapo     | Lott        | Warner      |

#### NOT VOTING—3

|         |       |           |
|---------|-------|-----------|
| Edwards | Kerry | Lieberman |
|---------|-------|-----------|

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 54. Two-thirds of the Senators voting not having voted in the affirmative, the motion to suspend rule XVI pursuant to notice previously given in writing is rejected. The point of order is sustained and the amendment falls.

#### HEALTHY FORESTS RESTORATION ACT OF 2003

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 1904, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1904) to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Agriculture, Nutrition, and Forestry, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in *italic*.)

[H.R. 1904

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### [SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

[(a) SHORT TITLE.—This Act may be cited as the "Healthy Forests Restoration Act of 2003".

[(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

[Sec. 1. Short title; table of contents.

[Sec. 2. Purpose.

#### [TITLE I—HAZARDOUS FUELS REDUCTION ON FEDERAL LANDS

[Sec. 101. Definitions.

[Sec. 102. Authorized hazardous fuels reduction projects.

[Sec. 103. Prioritization for communities and watersheds.

[Sec. 104. Environmental analysis.

[Sec. 105. Special Forest Service administrative review process.

[Sec. 106. Special requirements regarding judicial review of authorized hazardous fuels reduction projects.

[Sec. 107. Injunctive relief for agency action to restore fire-adapted forest or rangeland ecosystems.

[Sec. 108. Rules of construction.

#### [TITLE II—BIOMASS

[Sec. 201. Findings.

[Sec. 202. Definitions.

[Sec. 203. Grants to improve the commercial value of forest biomass for electric energy, useful heat, transportation fuels, and petroleum-based product substitutes.

[Sec. 204. Reporting requirement.

#### [TITLE III—WATERSHED FORESTRY ASSISTANCE

[Sec. 301. Findings and purpose.

[Sec. 302. Establishment of watershed forestry assistance program.

#### [TITLE IV—INSECT INFESTATIONS

[Sec. 401. Definitions, findings, and purpose.

[Sec. 402. Accelerated information gathering regarding bark beetles, including Southern pine beetles, hemlock woolly adelgid, emerald ash borers, red oak borers, and white oak borers.

[Sec. 403. Applied silvicultural assessments.

[Sec. 404. Relation to other laws.

[Sec. 405. Authorization of appropriations.

#### [TITLE V—HEALTHY FORESTS RESERVE PROGRAM

[Sec. 501. Establishment of healthy forests reserve program.

[Sec. 502. Eligibility and enrollment of lands in program.

[Sec. 503. Conservation plans.

[Sec. 504. Financial assistance.

[Sec. 505. Technical assistance.

[Sec. 506. Safe harbor.

[Sec. 507. Authorization of appropriations.

#### [TITLE VI—MISCELLANEOUS PROVISIONS

[Sec. 601. Forest stands inventory and monitoring program to improve detection of and response to environmental threats.

#### [SEC. 2. PURPOSE.

[The purpose of this Act is—

[(1) to reduce the risks of damage to communities, municipal water supplies, and some at-risk Federal lands from catastrophic wildfires;

[(2) to authorize grant programs to improve the commercial value of forest biomass for electric energy, useful heat, transportation fuels, petroleum-based product substitutes and other commercial purposes;